

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTONIO MADERA,

Plaintiff,

-against-

THE CITY OF NEW YORK, CRAIG W.
TIEJEN, WILLIAM ARNOLD, METEHAN
EGILMEZ, OMAR SAAD, and DOUGLAS
LOPEZ,

Defendants.

NOTICE OF REMOVAL

from the Supreme Court of the State of
New York, County of New York, Index
No. 152364/2021

Defendants Officers Craig W. Tiejen, William Arnold, and Metehan Egilmez, by their attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby remove the above-captioned action to the United States District Court for the Southern District of New York. The grounds for removal are as follows.

1. On or about August 22, 2023, Plaintiff Antonio Madera filed a Summons and Second Amended Verified Complaint against, *inter alia*, Officers Tiejen, Arnold, and Egilmez in the Supreme Court of the State of New York, County of New York, Index No. 152364/2021. A true and correct copy of the Summons and Second Amended Verified Complaint is attached hereto as Exhibit A.

2. The Second Amended Verified Complaint raises constitutional tort claims pursuant to 42 U.S.C. § 1983, *Bivens* claims, and New York state common law tort claims against Officers Tiejen, Arnold, and Egilmez.

3. Upon information and belief, Plaintiff's claims against Tiejen, Arnold, and Egilmez arose in the course of their employment with the United States Park Police.

4. Pursuant to 28 U.S.C. § 2679(d)(2), this action may be removed to this Court because: (i) trial has not yet been had of this action; and (ii) this is a civil action brought against a parties deemed to be employees of the United States Government for purposes of the Federal Tort Claims Act. A true and correct copy of the Certification of Damian Williams, United States Attorney for the Southern District of New York, dated April 15, 2024, certifying that Officers Tiejen, Arnold, and Egilmez were employees of the United States for purposes of Plaintiff's claims against them, is attached hereto as Exhibit B.

5. Venue is proper in this district under 28 U.S.C. §§ 1441(a), 1442(a), and 2679(d)(2) because the civil court where the action has been pending is located in this district.

6. In accordance with 28 U.S.C. § 1446(d), the filing of a copy of this notice with the Clerk of Court, Supreme Court of the State of New York, County of New York, shall effect the removal and the state court shall proceed no further unless and until the case is remanded.

7. The submission of this notice of removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by Officers Tiejen, Arnold, or Egilmez. This Office makes a limited appearance on behalf of Officers Tiejen, Arnold, and Egilmez solely for the purpose of removal of this action. This submission does not constitute a waiver of any defense available to Tiejen, Arnold, and Egilmez, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

Dated: New York, New York
April 17, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Danielle J. Marryshow
DANIELLE J. MARRYSHOW
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2689
Facsimile: (212) 637-2750
E-mail: danielle.marryshow@usdoj.gov